

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

SALDUTTI LAW GROUP

Rebecca K. McDowell, Esq.

800 Kings Highway North, Suite 300

Cherry Hill, NJ 08034

(856) 779-0300

(856) 779-3362 fax

Attorney for Creditor, First Niagara Bank, N.A.

Order Filed on August 24, 2016
by Clerk U.S. Bankruptcy Court
District of New Jersey

In Re:

Fabiola McGlynn

Case No.:

14-18125

Judge:

Jerrold N. Poslusny Jr.

Hearing Date(s):

August 30, 2016

Chapter:

13

Recommended Local Form

☒ Followed☐ Modified**ORDER RESOLVING MOTION TO VACATE STAY
AND/OR MOTION TO DISMISS
WITH CONDITIONS**The relief set forth on the following pages, numbered two (2) through four (4) is **ORDERED**.**DATED: August 24, 2016**A handwritten signature in dark ink, appearing to read "J. Poslusny", written over a horizontal line.
Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: First Niagara Bank, N.A.
Applicant's Counsel: Rebecca K. McDowell, Esq.
Debtor's Counsel: Jill T. Bryan, Esq.
Property Involved ("Collateral"): 2013 Dodge Charger, VIN 2C3CDXBG8DH614840
Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for 2 months, from June 2016 to July 2016.
- ☒ The Debtor is overdue for 2 payments at \$ 400.89 per month.
- ☐ The Debtor is assessed for _____ late charges at \$ _____ per month.
- ☒ Applicant acknowledges receipt of funds in the amount of \$ 400.89 received after the motion was filed.

Total Arrearages Due \$ 801.78.

2. Debtor must cure all post-petition arrearages, as follows:

- ☐ Immediate payment shall be made in the amount of \$ _____. Payment shall be made no later than _____.
- ☒ Beginning on August 26, 2016, regular monthly ^{loan}~~mortgage~~ payments shall continue to be made in the amount of \$ 400.89.
- ☒ Beginning on August 26, 2016, additional monthly cure payments shall be made in the amount of \$ 133.63 for 6 months.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. The debtor's monthly payment to the Chapter 13 Trustee is modified to be \$_____ per month.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment: _____

☒ Regular monthly payment: First Niagara Bank - Attn: Bankruptcy Dept
6950 South Transit Rd., PO Box 514
Lockport, NY 14095

☒ Monthly cure payment: First Niagara Bank - Attn: Bankruptcy Dept
6950 South Transit Rd., PO Box 514
Lockport, NY 14095

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor, and the Debtor's attorney.

☐ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. Award of Attorneys' Fees:

☒ The Applicant is awarded attorneys fees of \$ 300.00, and costs of \$ 176.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

Certificate of Notice Page 5 of 5
United States Bankruptcy Court
District of New Jersey

In re:
Fabiola D. McGlynn
Debtor

Case No. 14-18125-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Aug 24, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2016.

db +Fabiola D. McGlynn, 960 Poe Court, Williamstown, NJ 08094-3216

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 26, 2016

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 24, 2016 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Lakeview Loan Servicing, LLC
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
summarymail@standingtrustee.com
Jill T. Bryan on behalf of Debtor Fabiola D. McGlynn jtb.assistant1@verizon.net
Joshua I. Goldman on behalf of Creditor Lakeview Loan Servicing, LLC jgoldman@kmlawgroup.com,
bkgroup@kmlawgroup.com
Raymond H. Shockley, Jr. on behalf of Trustee Isabel C. Balboa ecf@standingtrustee.com
Rebecca K. McDowell on behalf of Creditor First Niagara Bank NA rmcdowell@slgcollect.com
Robert L. Saldutti on behalf of Creditor First Niagara Bank NA rsaldutti@saldutticollect.com,
lmarciano@saldutticollect.com; kcollins@slgcollect.com

TOTAL: 8